1    GENERAL GOVERNMENT CABINET
2    Department of Military Affairs
3    Division of Emergency Management
4    (New Administrative Regulation)
5    106 KAR 1:231. Local emergency management agency ordinance requirement.
6    RELATES TO: KRS 39B.010, 39B.990
7    STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3)
8    NECESSITY, FUNCTION, AND CONFORMITY: KRS 39B.010(1) requires each
9    city, county, charter county, or urban-county government create a local emergency
10   management agency. This administrative regulation establishes the requirements to be
11   met by a governing body of a city, county, charter county, or urban-county government to
12   develop and pass a local emergency management agency ordinance.
13    Section 1. Ordinance Provisions.
14    (1) The governing body of a city, county, charter county, or urban-county
15    Government shall pass a local ordinance pertaining to local emergency management
16    agency creation, as established in KRS 39B.010.
17    (2) A local ordinance passed pursuant to subsection (1) of this section shall:
18       (a) Include the term “emergency management” in the title of the local ordinance;
19       and
20       (b) Include provisions which specify:
21          1. The official name of a local emergency management agency created in the local
22          ordinance;
2. The functional and operational organization of a local emergency management agency consistent with KRS 39B.010;

3. The establishment and use of a local emergency management agency budget account consistent with KRS 39B.010(3);

4. The powers and responsibilities of a local emergency management agency;

5. The powers, authorities, rights, and duties of a local emergency management agency director appointed pursuant to KRS 39B.020, including all the powers, duties, rights, and authorities established in KRS 39B.030; and

6. Ordinance enforcement, including the establishment of penalties for violation of the local ordinance.

Section 2. Documentation Requirements. A full copy of a local emergency management agency ordinance and any amendments, agreements, compacts, or other documents associated with the joint creation of a local emergency management agency pursuant to KRS 39B.010(2)(b) shall be submitted by a local director to the area manager for transmittal to the Director of the Division of Emergency Management within thirty (30) calendar days following final passage or adoption by a local governing body.
This is to certify that The Adjutant General (TAG) has reviewed and approved this administrative regulation prior to its adoption, as required by KRS 39A.070(3).

Haldane B. Lamberton  
Major General, KYNG  
The Adjutant General  

[Signature]

Jeremy C. Slinker  
Director  
Division of Emergency Management  
Kentucky Department of Military Affairs  

[Signature]

Charles T. Jones  
Brigadier General US Army (Ret)  
Executive Director  
Office of Management & Administration  
Kentucky Department of Military Affairs  

[Signature]
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, August 24, 2022, at 10:45 a.m. Eastern Time at 100 Minuteman Parkway, Bldg. 100, Room 202 (EOC 2nd Floor Conference Room) Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Corey Ann Howard Jackson, Legislative Liaison and Policy Specialist, Department of Military Affairs, 100 Minuteman Parkway, Frankfort, KY 40601, phone (502) 330-3323, fax (502) 607-1240, email corey.a.jackson23.nfg@army.mil.
REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

106 KAR 1:231 Local emergency management agency ordinance requirement.
Contact Person: Corey Ann Howard Jackson
Phone: (502) 330-3323
Email: corey.a.jackson23.nfg@army.mil

(1) Provide a brief summary of:
   (a) What this administrative regulation does: This administrative regulation establishes the requirements to be met by a governing body of a city, county, charter county or urban-county government to develop and pass a local emergency management ordinance.
   (b) The necessity of this administrative regulation: The local emergency management ordinance is required by statute and this regulation establishes the requirements for compliance.
   (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 39A.050 authorizes the Division of Emergency Management to coordinate the development, implementation, and maintenance of comprehensive emergency management programs by local emergency management agencies in a city, county, charter county or urban-county government. KRS 39A.050(2)(m) and 39A.070(3) allow the Division of Emergency Management to promulgate administrative regulations to carry out the provisions of KRS Chapter 39 A to 39F. KRS 39B.010(1) requires each city, county, charter county or urban-county government to develop and pass a local emergency management ordinance. This administrative regulation specifies the requirements of that local emergency management ordinance.
   (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the requirements to be met by a governing body of a city, county, charter county or urban-county government to develop and pass a local emergency management ordinance.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
   (a) How the amendment will change this existing administrative regulation: N/A
   (b) The necessity of the amendment to this administrative regulation: N/A
   (c) How the amendment conforms to the content of the authorizing statutes: N/A
   (d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
   (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Local emergency management agency personnel will develop a local emergency management ordinance as specified by 106 KAR 1:231.
   (b) In complying with this administrative regulation or amendment, how much will it cost
each of the entities identified in question (3): There is no cost to these entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with is required. In addition, compliance is required for funding which decreases the local entities’ obligations and expenses while allowing an increase in their ability to plan, train, operate, mitigate, and respond to local disasters.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
   (a) Initially: N/A
   (b) On a continuing basis: N/A

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State and federal funding including grants and cooperative agreements. These include: the Chemical Stockpile Emergency Preparedness Program Fund established in 50 USC 1521; The Federal Disaster and Emergency Assistance Fund granted to the division by the Federal Emergency Management Agency (FEMA), under 42 USC 5170(c), 5172, and 5173; The Federal Emergency Management Assistance Fund granted to the division by FEMA, under 42 USC 5196 and the Supplementary State Fund established in KRS 39C.010 and 39C.020.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding will not be necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or relate to fees.

(9) TIERING: Is tiering applied? Tiering was not used. The regulation will not reduce or modify substantive regulatory requirements, eliminate some requirements entirely, simplify and reduce reporting and recordkeeping requirements, reduce the frequency of inspections, provide exemptions from inspections and other compliance activities, or delay compliance timetables.
FISCAL NOTE

106 KAR 1:231. Local emergency management agency ordinance requirement.
Contact Person: Corey Ann Howard Jackson
Phone: (502) 330-3323
Email: corey.a.jackson23.nfg@army.mil

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Cities, Counties, urban-counties, or charter county governments

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 39A.050(2)(m), 39A.070(3).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
   (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No additional revenue will be generated.
   (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No additional revenue will be generated.
   (c) How much will it cost to administer this program for the first year? No additional cost will be incurred.
   (d) How much will it cost to administer this program for subsequent years? No additional cost will be incurred.
   
   Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
   
   Revenues (+/-): No additional revenue will be generated by the regulations.
   Expenditures (+/-): No additional expenditures will be incurred.
   
   Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.
   (a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? No additional cost savings.
   (b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? No additional cost savings.
   (c) How much will it cost the regulated entities for the first year? No additional cost will be incurred.
   (d) How much will it cost the regulated entities for subsequent years? No additional cost will be incurred.
   
   Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
   
   Cost Savings (+/-): No additional cost savings will be realized.
Expenditures (+/-): No additional costs will be incurred
Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars ($500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]
The administrative regulation will have no economic impact.